

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TONY FISHER, aka KELLIE)	
REHANNA,)	CASE NO.: 4:19-CV-1169
)	
Plaintiff,)	
)	JUDGE SARA LIOI
vs.)	
)	<u>NOTICE OF FILING THE DEPOSITON</u>
FEDERAL BUREAU OF PRISONS,)	<u>OF BETHANIE CAVALIER</u>
<i>et al.</i> ,)	
)	
Defendants.)	

Plaintiff, Tony Fisher, aka Kellie Rehanna, by and through counsel, hereby notifies this Court and Defendants that the deposition of Bethanie Cavalier that was taken on July 23, 2021 (attached hereto) has been filed in this case.

Respectfully submitted,

/s/Edward A. Icove

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CERTIFICATE OF SERVICE

On August 27, 2021, this document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this through the Court's system.

/s/ Edward A. Icové
Edward A. Icové

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Tony Fisher, aka)	
Kellie Rehanna,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:19CV1169
)	Sara Lioi, J.
Federal Bureau of)	
Prisons, et al.,)	
)	
Defendants.)	

- - -

Deposition of Bethanie Cavalier, a witness
herein, called on behalf of the plaintiff for oral
examination, pursuant to the Federal Rules of Civil
Procedure, taken before Karen A. Toth, Notary Public
in and for the State of Ohio, pursuant to notice,
via Zoom, on Friday, July 23, 2021, commencing at
9:05 a.m.

- - -

1 APPEARANCES:

2 On behalf of the Plaintiff:

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WITNESS:

CROSS

Bethanie Cavalier

by Mr. Icove

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- - -

1 BETHANIE CAVALIER

2 Of lawful age, being first duly sworn, as
3 hereinafter certified, was examined and testified as
4 follows:

5 CROSS-EXAMINATION

6 By Mr. Icove:

7 Q Good morning. My name is Ed Icove and I
8 represent Tony Fisher aka Kellie Rehanna, who
9 I will be referring to as Kellie in her case
10 against the BOP and Federal Corrections
11 Institution Elkton.

12 The name of the case is what I've just
13 read, the case number is 4:19CV1169 and it's
14 presently pending in the United States
15 District Court, Northern District of Ohio,
16 Eastern Division.

17 Ms. Cavalier, is that how you pronounce
18 your last name, Cavalier?

19 A Yes.

20 Q Okay. I just wanted to make sure. With a
21 last name like mine I double check.

22 So have you ever been deposed before or
23 testified in court?

24 A No.

25 Q Basically, the formalities of being in court

1 is required in depositions as well as in court
2 proceedings. There is a distinction. And
3 here, as you know, there is no judge present.
4 But your testimony should still be the same as
5 whether or not you're in court or not.

6 You can only testify to what you can
7 remember and relate to us today. Your counsel
8 may object to a question. If he does so you
9 still must answer the question to the best of
10 your ability, unless he instructs you
11 otherwise.

12 So with that being said, do you
13 understand those basic ground rules?

14 A I do.

15 Q Can you briefly provide us with your
16 educational background and your employment
17 history at the BOP?

18 A Sure. I graduated with a Ph.D. in counseling
19 psychology from University of Akron, which is
20 accredited. And I've been working with the
21 Bureau -- actually had my internship with the
22 Bureau in 2014, '15 out in Terminal Island,
23 California. So I was an intern for about a
24 year. And then I was hired on as a drug
25 treatment specialist out in Fairton, New

1 Jersey, and finished my dissertation. About a
2 year and a half ago got this position at
3 Elkton and here I am as a staff psychologist.

4 Q And are you registered in the State of Ohio as
5 a psychologist?

6 A What do you mean by registered?

7 Q Licensed. I'm sorry.

8 A I am not yet licensed.

9 Q You're in the process of that?

10 A Uh-huh.

11 Q Okay. Oh, I forgot to mention to you, you
12 have to answer yes or no. Um-hum doesn't --

13 A Oh, yes.

14 Q I'm sorry. That was my fault.

15 Are you aware that your testimony
16 today is protected to the extent that neither
17 Kellie nor me nor the government or anyone
18 else can retaliate against you for testifying
19 or participating in this case?

20 MR. FELDON: Object to the form.
21 Calls for a legal conclusion.

22 Q So again, your attorney is objecting for the
23 record. There is no judge here to make a
24 determination, but you need to answer the
25 question unless he tells you not to answer,

1 okay?

2 A Okay. So the question was do I understand?

3 Q Right. Well I can -- do you want me to
4 rephrase it?

5 A Please.

6 Q Yeah. Are you aware that your testimony today
7 is considered to be protected activity under
8 the law?

9 MR. FELDON: Same objection.

10 A Yes.

11 Q And you're aware that since it's protected
12 that neither the government nor anyone else
13 can retaliate against you for testifying today
14 or for participating in this case in any
15 manner?

16 MR. FELDON: Same objection.

17 A Yes.

18 Q How long have you treated Kellie?

19 A Approximately one year.

20 Q Has she been compliant with your treatment?

21 A Yes, she has.

22 Q How often do you see her?

23 A At least once monthly.

24 Q One of the other things -- I apologize for not
25 explaining this to you, if I ask you a

1 question like that you can just say
2 approximately. You don't need to know exact
3 dates, times and places.

4 A Okay.

5 Q Within a reasonable degree of certainty in
6 your field do you believe that Kellie suffers
7 from severe gender dysphoria symptoms?

8 MR. FELDON: Objection. Object to
9 form. You can answer.

10 A Yes.

11 Q And your specialty again is psychology; is
12 that correct?

13 A It is, yes.

14 Q So I'm going to ask you these questions within
15 a reasonable degree of psychological
16 certainty. Do you believe that Kellie suffers
17 from severe dysphoria symptoms?

18 A Yes.

19 Q Are those symptoms persistent and well
20 documented?

21 A Yes.

22 Q Within a reasonable degree of psychological
23 certainty has Kellie exhibited clinical levels
24 of distress?

25 A Yes.

1 Q And within a reasonable degree of
2 psychological certainty has Kellie exhibited
3 immediate urges on occasion to self-castrate?

4 MR. FELDON: Objection. I'm going
5 to instruct you not to answer. Counsel, that
6 would require her to disclose communications
7 from your client, and as discussed previously,
8 your client is not waiving privileged
9 communications, so I'm going to instruct the
10 witness not to answer.

11 MR. ICOVE: Right. I don't
12 consider documents that are in the file
13 waiver, I consider privileged information to
14 be what they personally talked about.

15 MR. FELDON: If you can ask her
16 about her document, you can ask her about her
17 document.

18 Q Okay. Have you viewed documents in Kellie's
19 file that have indicated that she has on
20 occasion wanted to self-castrate?

21 A Yes.

22 Q Have you reviewed documents in her file that
23 indicate that she no longer wants to live with
24 her male genitalia?

25 A Yes.

1 Q Within a reasonable degree of psychological
2 certainty does Kellie have the capacity to
3 make a fully informed decision and to consent
4 for treatment?

5 A Yes.

6 THE WITNESS: Can I ask to pause for
7 a second? I've been asked to call the unit.

8 MR. ICOVE: Certainly. No
9 problem. Let's go off the record.

10 (Short recess.)

11 MR. ICOVE: Back on the record.

12 By Mr. Icove:

13 Q Thank you for taking care of that. I hope
14 that she'll join us soon.

15 Within a reasonable degree of
16 psychological certainty and based on the
17 documents that you've seen, is her mental
18 health well controlled?

19 A Yes.

20 Q And within a reasonable degree of
21 psychological certainty has Kellie had 12
22 consecutive months of hormonal therapy as
23 appropriate to her female gender goals?

24 MR. FELDON: Object to the form.

25 A Yes.

1 Q Within a reasonable degree of psychological
2 certainty has Kellie had continuous months --
3 strike that.

4 Within a reasonable degree of medical
5 -- of psychological certainty has Kellie had
6 12 continuous months of living in a female
7 gender role?

8 A Yes.

9 Q Within a reasonable degree of psychological
10 certainty has Kellie done everything she can
11 do to benefit from your treatment?

12 MR. FELDON: Object to the form.
13 Vague.

14 A Yes.

15 Q Is it fair to say that from the review of the
16 records that she has received approximately
17 six years of hormone replacement therapy?

18 A I can't say about six years.

19 Q How many years can you say, approximately?

20 A Approximately one.

21 Q And that's the year that you've treated her?

22 MR. FELDON: Objection.

23 A Yes.

24 Q And that's why you limit it to one?

25 A Yes.

1 Q Is it fair to say that she has received
2 approximately six years of psychotherapy?

3 A I can't say.

4 Q And again, it's fair to say that she's
5 received at least one year of psychotherapy
6 from you?

7 A Yes.

8 Q Within a reasonable degree of psychological
9 certainty is it fair to say that Kellie has
10 only experienced minimum relief from her
11 therapy?

12 MR. FELDON: Object to the form.
13 Vague.

14 Q Do you understand the question? I'm sorry.

15 A I do understand the question. I'm mulling
16 over minimal.

17 Q Okay. Well, can you tell us within a
18 reasonable degree of psychological certainty
19 how much relief she has experienced from her
20 therapy with you?

21 A I would say moderate.

22 Q Within a reasonable degree of psychological
23 certainty if Kellie is denied or further
24 delayed the gender-reaffirming surgery that
25 she is seeking do you believe it would affect

1 her?

2 MR. FELDON: Objection. Calls for
3 speculation.

4 THE WITNESS: Do I answer now?

5 Q Yes, please.

6 A Yes.

7 Q And within a reasonable degree of
8 psychological certainty do you believe that
9 Kellie would benefit emotionally from the
10 gender-reaffirming surgery that she's seeking?

11 MR. FELDON: Objection. Calls for
12 speculation.

13 A Yes.

14 Q Do you have an opinion as to whether or not
15 the gender-reaffirming surgery that Kellie is
16 seeking is emotionally a medical necessity?

17 MR. FELDON: Objection. Calls for
18 opinion testimony. This witness is not here
19 as an expert.

20 THE WITNESS: Can I still answer?

21 Q Yes, please.

22 A Yes.

23 Q Do you believe that gender-reaffirming surgery
24 is emotionally a medical necessity for Kellie?

25 MR. FELDON: Objection. Calls for

1 speculation. Again this witness is here as a
2 fact witness and not an expert.

3 A Yes.

4 Q In your position as Kellie's psychologist, do
5 you believe that based upon your treatment
6 that gender-affirming surgery is emotionally a
7 medical necessity for her?

8 MR. FELDON: Objection. Calls for
9 opinion.

10 A Yes.

11 Q Have you reviewed Kellie's recent HRT levels?

12 A No.

13 Q Did you review the level that was in her file
14 that's dated June 15, 2021 of 252 pg/ml?

15 MR. FELDON: Objection. Asked and
16 answered. Counsel, she already said she
17 didn't know the levels.

18 Q Can you answer the question?

19 A No.

20 Q Okay. Ms. Cavalier, I have any further
21 questions of you today. I want to thank you
22 very much for taking the time out of your day
23 to talk to us.

24 You have the right to review the
25 deposition when it's written up, and your

1 attorney will explain to you his advice.

2 Thank you.

3 A Thank you.

4 MR. FELDON: For the record, we'll
5 read and sign.

6 MR. ICOVE: Great.

7 (Deposition concluded at 9:21 a.m.)

8 (Signature not waived.)

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SIGNATURE PAGE

Case Name: Tony Fisher, etc. vs. Federal Bureau
of Prisons, et al.

Case Number: 4:19CV1169

Deponent: Bethanie Cavalier.

Date: Friday, July 23, 2021

To the Reporter:

I have read the entire transcript of my
Deposition taken in the captioned matter or the same
has been read to me. I request that the following
changes be entered upon the record for the reasons
indicated.

I have signed my name to the Errata Sheet and
the appropriate Certificate and authorize you to
attach both to the original transcript.

Bethanie Cavalier

Subscribed and sworn to before me this
_____ day of _____, 2021.

Notary Public

My commission expires:_____.

1 I have read the foregoing transcript from page 1
2 through page 15 and note the following corrections:

3 PAGE-LINE REQUESTED CHANGE REASON FOR CHANGE

25 _____
Bethanie Cavalier

Date


1 State of Ohio,)
 2 County of Cuyahoga,) SS: CERTIFICATE

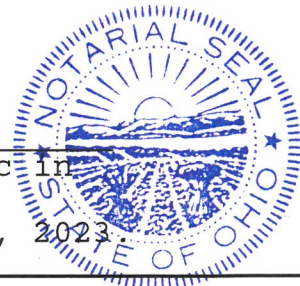
3 I, Karen A. Toth, Notary Public in and for the
 4 State of Ohio, duly commissioned and qualified, do
 5 hereby certify that the within named witness,
 6 Bethanie Cavalier, was by me first duly sworn to
 7 testify the truth, the whole truth, and nothing but
 8 the truth in the cause aforesaid; that the testimony
 9 then given by her was by me reduced to
 10 stenotypy/computer in the presence of said witness,
 11 afterward transcribed, and that the foregoing is a
 12 true and correct transcript of the testimony so
 13 given by her as aforesaid.

14 I do further certify that this deposition was
 15 taken at the time and place in the foregoing caption
 16 specified and was completed without adjournment

17 I do further certify that I am not a relative,
 18 counsel, or attorney of either party, or otherwise
 19 interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my
 21 hand and affixed my seal of office at Cleveland,
 22 Ohio on this 6th day of August, 2021.

23 
 24 Karen A. Toth, Notary Public in
 25 and for the State of Ohio.
 My Commission expires May 6, 2023



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	4			
	4:19CV1169 (1) 4:13			
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